IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE.

And

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 1061 of 1993

Between:

1 SAMATHA (Regd.No. 554/90) a Society registered office at Peda Mallapuram, Sankhavaram mandal East Godavari District, represented by its Executive Director Sri R. Ravi S/o. Sri R.K. Rao, aged about 28 years Social Worker, r/o. Peda Mallapuram, Sankhavaram Mandal East Godavari District.

2 SAKTHI, a voluntary social organisation for the upliftment of Tribals (Regd. No.76 of 1985) having its registered office at Rampachodavaram, East Godavari District represented by its Director Dr.P. Sivarama Krishna.

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PETITIONER(S)

AND

1. State of Andhra Pradesh Represented by its Principal Secretary, Medical and Health Department, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2. Director of Medical and Health Services Koti, Hyderabad.
3 . The District Collector, Visakhapatnam.
4. The District Collector, East Godavari District, at Kakinada.
5. The District Medical and Health Officer, Visakhapatnam.
6. The District Medical and Health Officers East Godavari , Kakinada.

7. The Additional District Medical and Health Officer Narsipatnam.
8. The Additional District Medical and Health Officer Rampachodavaram.
9. The Additional District Medical and Health Officer Paderu.
10. The Project Officer, ITDA, Rampachodavaram.
11. The Project Officer ITDA, Paderu.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly in the nature of WRIT OF MANDAMUS directing the respondents; i) To provide medical an Health facilities to the Tribes peoples living in Agency and Sub-plan areas of East Godavari and Visakhapatnam Districts forthwith; ii) To appoint an independent committee to study, evaluate, supervise the facilities provided and submit a report to this Hon'ble Court after one year from the date of implementation of relief prayed in para (i) above.

Counsel for the Petitioner : Mr.A.Ramalingeswara Rao

(Not Present)

Counsel for the Respondents : Govt. Pleader for Medical Health and Family Welfare.

The Court Made the Following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

This petition was instituted on 02-02-1993 in public interest by Samatha, a society registered under the Societies Registration Act, 1960, having its registered office at Peda Mallapuram, Sankhavaram Mandal, East Godavari district, and also by Sakthi, a voluntary social organisation registered under the said Act, having its registered office at Rampachodavaram, East Godavari district. The petitioner societies are working in the tribal tracts of East Godavari district and they have been in the forefront in implementation of welfare schemes evolved by the Government for the Tribal people. The petitioners have made grievance about the medical and other health welfare schemes in the hospitals and other medical facilities being provided to the tribal people. After mentioning the details, the petitioners sought direction against respondents to provide medical and health facilities to the tribal people living in agency and sub-plan areas of East Godavari and Visakhapatnam districts and to appoint an independent Committee to study, evaluate and supervise the facilities provided and submit its report.

Affidavit in reply was filed by N.Muralikrishna Rao, the Director of Medical and Health Services, Hyderabad. We need not discuss in detail the data supplied in the said affidavit. It was pointed out in the counter-affidavit that there was a similar writ petition filed in this High Court, which was filed pursuant to a complaint filed by the Consumers Research Information and Education Society before the Andhra Pradesh State Consumer Dispute Redressal Commission. It was alleged in that writ petition that due to lapses on the part of the authority in taking appropriate measures in controlling the malaria epidemic, more than 300 persons lost their lives in the year 1990. After taking the various reports and examining the entire case and reviewing the material and the remedial measures taken by the State Government, the writ petition was disposed of with an observation that the State Government appears to have taken adequate and effective measures in the case. It is pointed out in the affidavit in reply that the medical and health facilities have been provided satisfactorily and that the medical and health camps at Primary Health Centres and Mobile medical units are organised in remote areas and shandies promptly and regularly and it has been the policy of the Government to provide more medical and health facilities hereafter in all tribal areas after evaluating the needs of the tribal people.

In view of the detailed counter-affidavit, we are of the view that the facilities provided by the State Government are adequate and no further direction deserves to be issued in this writ

petition. The writ petition is accordingly closed.

DEVINDER GUPTA, C.J.

G.ROHINI, J

21-06-2004

tvr/bsc

To

1. The Principal Secretary, Medical and Health Department, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.

2. The Director of Medical and Health Services Koti, Hyderabad.
3 . The District Collector, Visakhapatnam.
4. The District Collector, East Godavari District, Kakinada.
5. The District Medical and Health Officer, Visakhapatnam.
6. The District Medical and Health Officers East Godavari , Kakinada.
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Rampachodavaram.
9. The Additional District Medical and Health Officer Paderu.
10. The Project Officer, ITDA, Rampachodavaram.
11. The Project Officer ITDA, Paderu.
12. 2 CCs to Govt. Pleader for Medical and Health, High Court Buildings, Hyderabad (OUT)
13. 2 CD copies